

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:
Norwell Television, LLC
v.
DIRECTV, Inc.
Request for Mandatory Carriage of
Television Station WWDP-TV,
Norwell, Massachusetts
CSR-5839-M

MEMORANDUM OPINION AND ORDER

Adopted: June 4, 2002

Released: June 5, 2002

By the Deputy Chief, Media Bureau:

I. INTRODUCTION

1. Norwell Television, LLC ("Norwell") licensee of commercial, television station WWDP-TV, Norwell, Massachusetts ("WWDP" or the "Station") filed the above-captioned must carry complaint against DIRECTV, Inc. ("DIRECTV"), pursuant to Section 338 of the Communications Act, as amended (the "Act"), and Section 76.66 of the Commission's rules for its refusal to carry the signal of WWDP on its satellite system. WWDP states that DIRECTV is providing "local-into-local" satellite service pursuant to the statutory copyright license in Boston, the designated market area ("DMA") where station WWDP operates. In its complaint, WWDP alleges that DIRECTV has failed to meet its must carry obligations under the Commission's satellite broadcast signal carriage rules. WWDP requests that the Commission order DIRECTV to carry the Station's signal on DIRECTV's satellite system. DIRECTV filed an opposition ("Opposition") to which Norwell replied.

1 47 U.S.C. § 338; 47 C.F.R. § 76.66. On December 7, 2001, the U.S. Court of Appeals for the Fourth Circuit unanimously upheld the constitutionality of Section 338 of the Act, and Section 76.66 of the Commission's rules. See SBCA v. FCC, 275 F.3d 337, 350 (4th Cir. 2002). On March 7, 2002, DIRECTV and the Satellite Broadcasting and Communications Association filed a petition for a writ of certiorari with the United States Supreme Court to review the judgment of the Fourth Circuit in the SBCA v. FCC case.

2 See 17 U.S.C. § 122(a); 47 U.S.C. § 339. A satellite provider provides "local-into-local" satellite service when it retransmits a local television signal back into the local market of that television station for reception by subscribers. 47 C.F.R. § 76.66(a)(6).

3 Under Section 76.66(m)(3) of the Commission's rules, a local television broadcast station that disputes a response by a satellite carrier that it is in compliance with its must carry obligations may obtain review of such denial or response by filing a "complaint" with the Commission in accordance with Section 76.7. See 47 C.F.R.

(continued...)

II. BACKGROUND

2. Section 338 of the Act, adopted as part of the Satellite Home Viewer Improvement Act of 1999 (“SHVIA”),⁴ required satellite carriers, by January 1, 2002, to carry on request all local television broadcast stations’ signals in local markets in which the satellite carrier carries at least one local television broadcast signal pursuant to the statutory copyright license.⁵ For the initial election cycle, broadcast stations were required to notify satellite carriers by July 1, 2001, of their mandatory carriage election for carriage to commence by January 1, 2002.⁶ A station’s market for satellite carriage purposes is its DMA, as defined by Nielsen Media Research.⁷ In November 2000, the Commission adopted rules to implement the provisions contained in Section 338.⁸

3. Under the Commission’s broadcast signal carriage rules, each satellite carrier providing local-into-local service pursuant to the statutory copyright license is generally obligated to carry any qualified local television station in the particular DMA that made a timely election for mandatory carriage, unless the station’s programming is duplicative of the programming of another station carried by the carrier in the DMA.⁹ One television station’s programming is generally considered duplicative of

(...continued from previous page)

§ 76.66(m)(3). Although styled a “complaint,” a carriage complaint filed against a satellite carrier is treated by the Commission as a petition for special relief for purposes of the Commission’s pleading requirements. *See 1998 Biennial Regulatory Review: Part 76 – Cable Television Service Pleading and Complaint Rules*, 14 FCC Rcd 418 (1999). Responsive pleadings filed in this context, therefore, must comply with the requirements set forth in Section 76.7(b)(1).

⁴ See Pub. L. No. 106-113, 113 Stat. 1501, 1501A-526 to 1501A-545 (Nov. 29, 1999).

⁵ See 47 U.S.C. § 338.

⁶ See 47 C.F.R. § 76.66(c)(5), which states that a noncommercial television station must request carriage by July 1, 2001 for the first election cycle and must renew its carriage request at the same time a commercial television station must make its retransmission consent-mandatory carriage election for all subsequent cycles.

⁷ A DMA is a geographic area that describes each television market exclusive of others, based on measured viewing patterns. *See* 17 U.S.C. § 122(j)(2)(A)-(C); *see also Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadband Signal Carriage Issues; Retransmission Consent Issues*, 16 FCC Rcd 1918, 1934 (2000)(“*DBS Must Carry Report & Order*”); 47 C.F.R. § 76.66(e)(“A local market in the case of both commercial and noncommercial television station is the designated market area in which a station is located, and (i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area within the same local market; and (ii) in the case of noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.”).

⁸ *See generally DBS Must Carry Report & Order*, 16 FCC Rcd at 1918 *et seq.* The Commission later affirmed and clarified its carriage rules. *See Implementation of the Satellite Home Viewer Improvement Act of 1999; Broadcast Signal Carriage Issues*, 16 FCC Rcd 16544 (2001)(“*DBS Must Carry Reconsideration Order*”).

⁹ *See* 47 C.F.R. § 76.66. Commercial television stations are required to choose between retransmission consent and mandatory carriage by July 1, 2001; NCE stations, on the other hand, must simply request carriage. The first retransmission consent-mandatory carriage election cycle is for a four-year period commencing on January 1, 2002 and ending December 31, 2005. 47 C.F.R. § 76.66(c)(1). To facilitate the carriage process, satellite carriers are required to respond to a television station’s carriage request within 30 days, and state whether they accept or deny the carriage request. Those stations licensed to provide over-the-air service for the first time on or after July 1, 2001 are considered new television broadcast stations for satellite carriage purposes. *See DBS Must Carry Report and Order*, 16 FCC Rcd at 1933. A new television station is required to make its initial election between 60 days

(continued...)

another station's if both stations simultaneously broadcast identical programming for more than 50% of the broadcast week.¹⁰ If the stations' programming is duplicative, the satellite carrier may choose which duplicating signal it will carry.¹¹ Furthermore, under the SHVIA, a television station asserting its right to carriage is required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.¹² To be considered a good quality signal for satellite carriage purposes, a television station must deliver to the local receive facility ("LRF") of a satellite carrier either a signal level of -45dBm for UHF signals or -49dBm for VHF signals at the input terminals of the signal processing equipment.¹³

4. Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under Section 338 of the Act or our implementing regulations, such station shall first notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier has failed to comply with its obligations.¹⁴ Within 30 days after such written notification, the satellite carrier must respond in writing and comply with its obligations or state its reasons for believing that it is already doing so.¹⁵ The Commission does not require satellite carriers to conduct tests or present specific measurements to broadcasters in response to requests for mandatory carriage. At the same time, however, the satellite carrier is required to have a reasonable, good-faith basis for denying carriage and is obliged to convey that information to the broadcast station affected. As the Commission stated: "It is not consistent with the SHVIA or our rules to attempt to place the burden on the broadcast station to prove why it is entitled to carriage in the absence of a legitimate reason for questioning its eligibility."¹⁶ Specifically with respect to disputes over signal quality, a station should not be rejected for carriage unless, based on a knowledge of the facts and circumstances involved, there are engineering reasons for doubting that a good quality signal is likely to be available.¹⁷ Should a station fail to provide the required over-the-air signal quality to a satellite carrier's receive facility, it still may obtain carriage rights if "the

(...continued from previous page)

before commencing broadcast and 30 days after commencing broadcast. Assuming the station meets all of the requirements under Section 338 and the Commission's rules, the satellite carrier shall commence carriage within 90 days of receiving a carriage request from the television broadcast station or whenever the new television station provides over-the-air service. *See id.*; 47 C.F.R. § 76.66(d)(3).

¹⁰ *See* 47 C.F.R. § 76.66(h)(1) ("A satellite carrier shall not be required to carry upon request the signal of any local television broadcast station that substantially duplicates the signal of another local television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different States.")

¹¹ *See* 47 U.S.C. § 338(b)(1). *See also* 47 C.F.R. § 76.66(h); *DBS Must Carry Report & Order*, 16 FCC Rcd at 1949-51.

¹² 47 C.F.R. § 76.66(g)(1). *See DBS Must Carry Report & Order*, 16 FCC Rcd at 1938-45. *See also DBS Must Carry Reconsideration Order*, 16 FCC Rcd 16568-70 (affirming previous holding that selection of an alternative receive facility is based on the vote of the majority of the stations entitled to carriage in each affected market, not just the stations actually electing mandatory carriage).

¹³ 47 C.F.R. § 76.66(g)(2). *See DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16559-61.

¹⁴ *See* 47 U.S.C. § 338(f)(1); *see also* 47 C.F.R. § 76.66(m)(1).

¹⁵ *See* 47 C.F.R. § 76.66(m)(2).

¹⁶ *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16574.

¹⁷ *Id.* at 16572.

station responds with a promise to provide or pay to provide a good quality signal in the future.”¹⁸

5. If Commission action is necessitated, as WWDP alleges here, a broadcast station may file a complaint with the Commission within 60 days after the satellite carrier submits a final rejection of the broadcast station’s carriage request.¹⁹ If a satellite carrier provides no response to a must carry election, the 60-day period commences after the time for responding as required by the rule has elapsed.²⁰ Below, we consider the complaint filed by station WWDP.

III. DISCUSSION

6. In support of its Complaint, WWDP states that it is a full-power commercial television station that it is licensed to Norwell, Massachusetts, which is in the Boston DMA.²¹ WWDP indicates that it sent a timely must carry election letter to DIRECTV.²² In response, DIRECTV denied the Station’s must carry request for the failure to provide a good quality signal to DIRECTV’s LRF in Medford, Massachusetts.²³ WWDP agreed to provide its signal to DIRECTV via either fiber or a T-1 link.²⁴

7. Several weeks later, WWDP discovered that the owner of DIRECTV’s LRF was declaring bankruptcy.²⁵ The Station contacted DIRECTV, asking how to proceed.²⁶ DIRECTV confirmed that it would be looking for a new LRF and indicated that it would contact WWDP with the new address once it was available.²⁷ WWDP states that DIRECTV failed to contact the Station with the new LRF information.²⁸ WWDP’s engineer independently heard that the new LRF would be in Somerville, Massachusetts, which lies within WWDP’s Grade B contour.²⁹ The Station contacted DIRECTV, its vendor Triumph Communications and Internap, the new LRF’s owner, to gain access to

¹⁸ *Id.* at 16573.

¹⁹ See 47 C.F.R. § 76.66(m)(6); *DBS Must Carry Reconsideration Order*, 16 FCC Rcd 16544, at ¶ 60. If a television station seeks a finding on the facts and a resulting determination of whether it is entitled to carriage pursuant to Section 76.66 of our rules, then it may file a complaint with the Commission. If, however, a television station is not being carried and seeks damages and other specific forms of monetary or injunctive relief under either Section 338(a) of the Act or Section 501(f) of the Copyright Act, then the United States District Court is the exclusive forum for adjudicating the complaint. *DBS Must Carry Report & Order*, 16 FCC Rcd at 1974.

²⁰ See *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16574.

²¹ Complaint at 1.

²² *Id.* at 2.

²³ *Id.* at 2, Exhibit I (denial letter sent July 25, 2001).

²⁴ *Id.* at 2, Exhibit II (letter from WWDP to DIRECTV, dated August 29, 2001).

²⁵ *Id.* at 2, Exhibit III (email from Kevin Walsh, counsel for WWDP, to DIRECTV, dated September 21, 2001).

²⁶ *Id.*

²⁷ *Id.* at Exhibit IV (email from Catherine Slocum-Nall of DIRECTV to Kevin Walsh, dated September 21, 2001).

²⁸ *Id.* at 2.

²⁹ *Id.* (location of Somerville LRF identified by WWDP on October 9, 2001).

the LRF in order to perform a signal test.³⁰

8. WWDP states that it performed a signal test at DIRECTV's Somerville LRF on November 15, 2001, which indicated that it did provide a good quality signal using specialized equipment.³¹ WWDP wrote to DIRECTV on three occasions notifying them of the test results and seeking carriage of its signal.³² The Station asserts that it was not contacted by DIRECTV until January 2, 2002.³³ At that time, DIRECTV informed the Station that in order to gain carriage, it would need to obtain its own roof rights and erect its own pole or mast and install its own receiving equipment at the Somerville LRF.³⁴ WWDP asks that the Commission impose a forfeiture against DIRECTV.³⁵

9. In its Opposition, DIRECTV asserts that it was justified in denying WWDP carriage on signal quality grounds.³⁶ DIRECTV implicitly acknowledges that WWDP's November 15, 2001, test, performed with the use of specialized receiving and amplifying equipment, indicated that the Station met the Commission's signal quality standard.³⁷ However, the carrier states that its own signal test, performed without any specialized equipment, showed that WWDP did not meet the applicable standard.³⁸ DIRECTV argues that WWDP must bear all costs associated with placing any additional amplifying and receiving equipment at DIRECTV's LRF, including additional roof rights and the mounting of a new mast.³⁹ DIRECTV contends that it has fulfilled its obligation to secure "basic roof rights, antennas, towers, and processing equipment" at its LRF.⁴⁰ DIRECTV argues that "Norwell is not entitled to force DIRECTV to take extraordinary measures such as collocating Norwell's special equipment on DIRECTV's own mast at the local receive facility."⁴¹ The carrier states that due to general engineering

³⁰ *Id.* at 3, Exhibit V (email from DIRECTV to John Fergie, consulting engineer for WWDP, identifying Triumph Communications as vendor responsible for DIRECTV's LRF, dated October 29, 2001).

³¹ *Id.* at 3, Exhibit VI. WWDP's "Trip Report" reflects that while its signal meets the -45 dBm strength standard for UHF stations, some ghosting was visible during its test. The Station indicated to DIRECTV that it would supply ghost canceling equipment to the carrier. *Id.* at Exhibit VII. WWDP conducted its measurements using an eight-foot pole in a location in which DIRECTV had indicated it would install one of two 15 foot masts. *Id.* at Exhibit VI.

³² *Id.* at 3, Exhibits VII, VIII and IX (letters dated Nov. 18 and Dec. 10, 2001, and email dated Dec. 17, 2001).

³³ *Id.* at 4.

³⁴ *Id.*

³⁵ *Id.* at 9.

³⁶ Opposition at 1. We note that DIRECTV's opposition was late-filed due to an apparent error by its carrier service. Letter from Gary M. Epstein, Latham & Watkins, to William F. Caton, Acting Secretary, FCC (Feb. 26, 2002). In the interest of a full and complete record in this proceeding, and since WWDP was not prejudiced by virtue of its receipt of a hand-delivered service copy, we will consider the arguments made by DIRECTV in its opposition.

³⁷ *Id.* at 6.

³⁸ *Id.* DIRECTV did not submit, with respect to the November test, the actual measurement results, measurement procedures and other necessary data that would permit us to determine the validity of its summarized results.

³⁹ Opposition at 1-2, 9-12.

⁴⁰ *Id.* at 2, 11.

⁴¹ *Id.* at 3. DIRECTV further informed WWDP that DIRECTV was using its towers at the LRF only for stations that requested retransmission consent and does not provide roof rights or tower space for must carry
(continued...)

and structural safety concerns, it has a policy by which stations are not permitted to collocate special equipment on DIRECTV's masts.⁴² DIRECTV affirms that it will commence carriage of WWDP once the Station secures its own roof rights and mounts any needed special equipment on its own mast at DIRECTV's LRF.⁴³ Until then, DIRECTV argues that it is not required to carry WWDP since the Station does not provide a good quality signal over-the-air without the use of specialized equipment.⁴⁴

10. In reply, WWDP reiterates its claim that it provides a good quality signal with the use of specialized equipment to DIRECTV's LRF.⁴⁵ The Station contends that its use of such equipment during its signal test, and its commitment to provide such equipment for signal reception at the LRF, is permissible under the Commission's rules.⁴⁶ WWDP also criticizes the lack of documentation provided by DIRECTV in support of its November signal test.⁴⁷ The Station repudiates DIRECTV's claim that a new mast is needed to support WWDP's amplifier and ghost canceling equipment, which together weigh approximately two pounds.⁴⁸ WWDP contends that it is DIRECTV's obligation to provide sufficient roof rights and tower capacity at its LRF for all stations in the Boston DMA seeking mandatory carriage, including those who need to utilize specialized equipment to improve their signal quality.⁴⁹

11. DIRECTV also contends that WWDP's signal, even if it were received with the use of specialized equipment at a level sufficient to qualify for carriage under the Commission's rules, would not be of satisfactory picture quality due to the video signal-to-noise ratio.⁵⁰ In support, DIRECTV offers new test results from April 15, 2002, obtained without using specialized equipment, which purport to reflect both a weak signal strength and video quality.⁵¹ WWDP disputes this contention and questions the

(...continued from previous page)

stations. *Id.* at 4-5, 8 and Exhibit XI, copy of e-mail from DIRECTV to WWDP. DIRECTV later repudiated this information. *See* Opposition at 16.

⁴² *Id.* at 3-4, 12-14. DIRECTV contends that its masts "are not engineered or loaded in anticipation of WWDP or other local television stations in the market being able to mount additional, special amplifying or receiving equipment on them, and there is no available capacity on these towers to accommodate such requests." *Id.* at 3-4; (not have available tower capacity) *Id.* at 13. DIRECTV submitted no engineering studies or other evidence in support of its assertions concerning capacity, loading, interference, spacing or other technical issues.

⁴³ *Id.* at 7, 14.

⁴⁴ *Id.* at 7-9.

⁴⁵ Reply at 2.

⁴⁶ Reply at 2-5.

⁴⁷ *Id.* at 2.

⁴⁸ *Id.* at 7-9 and Exhibit I.

⁴⁹ *Id.* at 5-9.

⁵⁰ DIRECTV Motion to Accept Supplemental Filing and Sur-reply at 8-12. DIRECTV filed a Motion to Accept Supplemental Filing and Sur-reply ("DIRECTV Sur-reply") in response to a letter filed and later withdrawn in this proceeding by Hearst-Argyle Properties, Inc., licensee of WMUR-TV, Manchester, New Hampshire. WWDP similarly filed a Motion to Strike Unauthorized Supplement ("WWDP Motion to Strike"). We will consider arguments made in DIRECTV's Sur-reply and WWDP's Motion to Strike in so far as they relate to carriage of WWDP.

⁵¹ *Id.* at 11.

validity of DIRECTV's measurements.⁵²

12. Based on the record, we grant WWDP's complaint for mandatory carriage. As an initial matter, DIRECTV's failure to notify WWDP of the LRF move from Medford to Somerville, Massachusetts runs counter to Section 76.66(f)(4) of the Commission's rules. While the change in DIRECTV's LRF location was involuntary in nature due to the bankruptcy of the Medford site's owner, DIRECTV was required to timely notify local broadcast stations of the change.⁵³ The need for notification is particularly acute when, as in the instant case, there is a resulting change in a station's signal strength reception at the new LRF.

13. In the *DBS Must Carry Reconsideration Order*, the Commission concluded:

We believe that for satellite carriers, like cable operators, it is reasonable to require that the local receive facility include, for example, the roof rights, antennas, towers, and processing equipment necessary to receive and process over-the-air good quality signals from local broadcasters. We do not believe, therefore, that it is consistent with our rules or with the statute to require broadcasters to pay for the basic equipment and property negotiations necessary to operate a receive facility. However, as in the cable context, if a broadcaster would require special or additional equipment so that its signals can be received at the established level of good quality at the receive facility, then the broadcaster is responsible for these additional costs.⁵⁴

The "basic equipment and property negotiations necessary to operate a receive facility" contemplates accommodations for the equipment to receive the local stations in the market. The Commission reiterated that we would follow cable precedent in determining the allocation of costs among satellite carriers and broadcast stations for reception equipment at receive facilities.⁵⁵ Specifically, the Commission noted that, in the cable context:

[B]roadcasters may provide 'improved antennas' to deliver a good quality signal, that the cable operator may not refuse to allow the broadcaster to provide such types of equipment, *either for measurements or delivery of signals*, and that broadcasters 'shall be responsible for the cost of such specialized antennas or equipment' '[W]e believe that it is appropriate to require a broadcast station to pay only for antennas, equipment and other needed improvements that are directly related to the delivery of its signal and not to contribute to the general maintenance of

⁵² WWDP Motion to Strike at 9.

⁵³ DIRECTV was required to pay any new capital costs and incremental ongoing costs incurred by local broadcast stations in order to deliver a good quality signal to the new Somerville LRF. See *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16563. However, since WWDP apparently had not yet undertaken the costs of delivering a good quality signal to the Medford site, we need not reach that issue here.

⁵⁴ *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16580.

⁵⁵ *Id.*

the cable system's facilities.⁵⁶

14. Pursuant to Section 338(b) of the statute and Section 76.66(g) of the Commission's implementing rules, a television broadcast station asserting its right to carriage "shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier." WWDP has committed to pay for and install equipment at DIRECTV's local receive facility, including a ghost canceling device, in order to ensure the provision of a good quality signal. The applicable precedent, taken as indicated above from the cable context, does not permit the imposition of additional tower leasing requirements on stations wishing to install equipment similar to that proposed by WWDP.⁵⁷ DIRECTV argues that it is neither obligated to acquire roof rights for equipment belonging to a broadcast station, nor is it required to: (1) accommodate station-owned equipment on the towers or masts it has erected, or (2) provide access to a roof located receiving facility for the installation of this equipment. DIRECTV states that it is unwilling for "policy and business reasons"⁵⁸ to accommodate WWDP's equipment and additionally references potential engineering constraints. DIRECTV has not provided any specific information as to why WWDP's specialized equipment cannot be accommodated on DIRECTV's existing structure without imposing costs beyond what would be required for standard reception equipment. WWDP's specialized equipment weighs less than two pounds and the Station's signal measurement was conducted at eight feet, well within the 15 feet height of DIRECTV's masts.

15. Insofar as DIRECTV's "basic equipment and property negotiations necessary to operate a receive facility"⁵⁹ can accommodate a station's specialized equipment, we conclude that it must do so. To the extent a broadcast station wishes to provide specialized equipment that might pose a potential structural integrity problem, we will consider those cases as we have in the cable context.⁶⁰ However, DIRECTV has offered no evidence in this case indicating the existence of genuine structural or safety concerns that merit further study. DIRECTV cannot decline to attach specialized equipment to its LRF in the absence of evidence that the existing LRF equipment cannot accommodate the specialized equipment for structural or technical reasons. As a result, WWDP is entitled to carriage within 75 days of delivering a good quality signal to DIRECTV's LRF.

16. Although DIRECTV has continued to express concerns that WWDP's signal may suffer from ghosting or a poor signal-to-noise ratio, WWDP has committed to providing specialized equipment, including a ghost canceling device, to address any such problems. When WWDP's equipment is properly installed and oriented at DIRECTV's LRF, the potential impact of interference upon the Station's signal can be determined and, if necessary, corrected at WWDP's expense.

17. We view DIRECTV's failure to notify WWDP of the change in the location of the LRF and the apparent disregard of WWDP's repeated requests for carriage status updates until after the carriage obligation commenced on January 1, 2002, as serious matters. WWDP has requested that a forfeiture proceeding be initiated in response to these alleged violations. However, to avoid any further delay in this proceeding we will consider that issue separately.

⁵⁶ *Id.* (citing *Implementation of the Cable Television Consumer Protection and Competition Act of 1992: Broadcast Signal Carriage Issues*, 8 FCC Rcd 4142, 4144-45) (emphasis added).

⁵⁷ See *Suburban Cable TV Co., Inc., et al.*, 16 FCC Rcd 10790, 10797 (2001).

⁵⁸ Opposition at 3.

⁵⁹ See *DBS Must Carry Reconsideration Order*, 16 FCC Rcd at 16580 and discussion, *supra*.

⁶⁰ See, e.g., *CTV of Derry, Inc.*, 13 FCC Rcd 12484, 12487-88 (1998).

IV. ORDERING CLAUSES

18. **IT IS ORDERED**, pursuant to Section 338 of the Communications Act, as amended (47 U.S.C. § 338), and Section 76.66 of the Commission's rules (47 C.F.R. § 76.66), that the must carry complaint filed by Norwell Television, LLC, licensee of commercial station WWDP-TV, Norwell, Massachusetts, against DIRECTV, Inc. **IS GRANTED** to the extent indicated herein.

19. **IT IS FURTHER ORDERED** that DIRECTV shall commence carriage of WWDP's signal within 75 days from the date on which WWDP provides a good quality signal to DIRECTV's local receive facility. DIRECTV shall provide WWDP with access to DIRECTV's local receive facility in order to install the Station's amplifying, receiving and ghost canceling equipment.

20. This action is taken by the Deputy Chief, Media Bureau, pursuant to authority delegated by Section 0.283 of the Commission's rules.⁶¹

FEDERAL COMMUNICATIONS COMMISSION

William H. Johnson
Deputy Chief, Media Bureau

⁶¹ 47 C.F.R. § 0.283.